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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,996	05/23/2001	Stephen S. Burns	7227/79217	1863

24628 7590 03/16/2005

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EXAMINER

VO, HUYEN X

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,996

Applicant(s)

BURNS ET AL.

Examiner

Huyen Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-17 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-17 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-5, 8-17, and 21-28 have been considered but are moot in view of the new ground(s) of rejection necessitated by claim amendments.
2. In response to applicant's argument regarding the use of prior art reference, specifically Kirk et al. (US 5390238), the reference of Kirk is only relied upon for the teaching of a server having prescription database and a business logic to enable the user to write prescriptions. The reference of Kirk et al. is not relied upon for the teaching of a wireless voice activated retrieval system. Such a wireless voice activated retrieval system is already taught in Bennett et al. (US 6633846).
3. In response to applicant's argument regarding the use Bennett et al. (US 6633846) as a prior art of record, Bennett et al. teach a retrieval system that analyzes input spoken queries and presents matched documents stored at the server's database to the user. The system taught by Bennett et al. and the system taught in the claimed invention are functionally the same. The only difference is between these two inventions is that Bennett et al. does not teach a prescription database at the server. However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating a prescription database rather than a general database at the server in order to provide prescription-related services.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "*the user interface containing specific workflow renderings of the speech in lists of viable form with one second or less recognition timings*" (in section [0033]) fails to provide enough description to enable one of ordinary skill in the art to understand what the limitation is intended to do. Also, the specification fails to define "*one second or less recognition timings*" and fails to specifically describing^e how it is used. The examiner interprets that the claimed limitation mentioned above as a voice dialog menu employed in many IVR systems.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application

filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 21-23, 25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (US 6633846).
8. Regarding claim 21, Bennett et al. disclose a speech recognition device for providing wireless communication with a connected client-server comprising: a speech-specific user interface for detecting the user's voice transmission, and displaying received data from a remotely connected server (*col. 10, line 62 to col. 11, line 6, the display mode inherently includes a GUI*), the user interface containing specific workflow rendering of the speech in lists of viable form (*col. 36, lines 35-53*), a recording apparatus for converting the voice transmission into a recorded data element (*SRE of figures 2A-C*), a communication apparatus for providing bi-directional wireless communication of the data stream with the server (*figures 1-2*).
9. Regarding claim 22, Bennett et al. further disclose that the user interface is a graphical user interface having a graphical interfacing application for enabling viewable display of textual returned data (*col. 10, line 62 to col. 11, line 6*).
10. Regarding claims 23 and 25, Bennett et al. further disclose that the server application further comprises a compression mechanism for compressing the first data stream, thereby enabling fast transmission of the data stream to the connected client-

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server and a decompression mechanism for decompressing received data stream (*col. 16, line 55 to col. 17, line 9*).

11. Regarding claim 27, Bennett et al. further disclose that the input/output device and voice recognition device is a wireless hand-held device (*col. 10, lines 41-46*).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-5, 8-9, 11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US 6633846) in view of Kirk et al. (US 5390238).

14. Regarding claim 1, Bennett et al. disclose a system for providing wireless voice activated data retrieval comprising: a server (*element 180 of figure 1*); a database (*element 188 of figure 1*); an input/output device, operably connected to the server, comprising a user interface having a recording apparatus, capable of recording the voice of a user to a data stream, and a communication apparatus, capable of enabling the exchange of information with the server (*col. 10, line 62 to col. 11, line 24 or referring to figure 2A*); the server being capable of receiving a transmitted data stream

from the input/output device, processing the transmitted data stream, exchanging data information with a recognition search engine, and transmitting a second data stream of matching recognized information to the database engine for a relational examination, then for user verification (*figures 11A-C or referring to col. 24, line 48 to col. 25, line 67, relational analysis are being done in relational engine within the SQL server as mentioned in col. 19, lines 11-67*); and a programming interface having a speech recognition search engine capable of generating the modified second data stream of recognized information such that the speech recognition engine converts the first data stream to an intermediate data element (*col. 24, lines 48-65, these steps are done by software programs*) and then generates the second data stream by searching and comparing information in the intermediate data element to information in a selected searchable data element and then retrieving and storing the matching information (*col. 25, lines 1-47, retrieved candidates are processed and compared to finally result in a single best candidate*).

Bennett et al. fail to specifically disclose a server having business logic enabling the user to write prescriptions electronically, and wherein the system is configured to enable prescription data retrieval and write a prescription electronically. However, Kirk et al. teach a server having business logic enabling the user to write prescriptions electronically (*col. 3, lines 20-42 or refer to figures 1-2*), and wherein the system is configured to enable prescription data retrieval and write a prescription electronically (*col. 3, lines 20-42 or refer to figures 1-2*).

Since Bennett et al. and Kirk et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Kirk et al. in order to reduce healthcare cost.

15. Regarding claim 15, Bennett et al. disclose a method of wireless voice activated data retrieval, comprising the steps of: providing a data input/output device with a user interface, the user interface including a voice recording apparatus, for detecting and recording the user's voice (*SRE 201 of figure 2A*) and a communication apparatus, for enabling communication with a server (*elements 202 and 203 of figure 2A*); providing a server capable of exchanging information with the voice recognition apparatus (*server side 180 in figure 1*); providing data containing select information comprising a list of related terms such that the matching data contains related data (*element 203 of figure 2A or col. 25, line 62 to col. 26, line 3*); providing a programming interface having a recognition engine capable of converting the first data stream into textual data and matching the textual data to the data element containing the selected list of information (*col. 24, line 48 to col. 25, line 47, the recognition and comparing process are done with software programs*); providing a database containing information such that matching data stream can be compared to the information to verify the accuracy of the matching (*col. 19, lines 11-67*); wherein, when a user speaks into the input/output device the user interface detects the voice and a first data stream is created and then communicated to the server (*col. 10, line 41 to col. 11, line 10*), the programming interface converts the

first data stream into textual data and compares the textual data to the stored information in the selected information database, matching data from the two sources and creating a second data stream for storing matched data, the matched data being communicated to said input/output device for data retrieval (*col. 25, line 1-67, these steps are done with software programs*).

Bennett et al. fail to specifically disclose that the server has business logic enabling the user to write prescriptions electronically, and the information contained in the database at the server is prescription-related information. However, Kirk et al. teach a server having business logic enabling the user to write prescriptions electronically (*col. 3, lines 20-42 or refer to figures 1-2*), and the information contained in the database at the server is prescription-related information (*col. 3, lines 20-42 or refer to figs 1-2*).

Since Bennett et al. and Kirk et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Kirk et al. in order to reduce healthcare costs.

16. Regarding claims 2-5 and 17, Bennett et al. further disclose that the input/output device and voice recognition device is a wireless hand-held device (*col. 10, lines 41-46*), and the server is a speech-application-programming-interface compliant server (*col. 26, lines 1-67*), and wherein the recognition search engine is an automatic speech recognition (*SRE 182 in figure 1, any speech recognition system that receives and*

recognizes multiple-utterance input is automatic speech recognition), and wherein the server is connected to a wireless network (*col. 10, lines 41-61*).

17. Regarding claims 8, and 13, Bennett et al. further a database having related information, thereby enabling the server to compare information in the second data file or stream of matching information to information stored in the database to verify the accuracy of the matching information (*col. 19, lines 11-67*).

18. Regarding claims 9 and 11, Bennett et al. further disclose that the server application further comprises a compression mechanism for compressing the first data stream, thereby enabling fast transmission of the data stream to the connected client-server and a decompression mechanism for decompressing received data stream (*col. 16, line 55 to col. 17, line 9*).

19. Regarding claim 14, Bennett et al. further disclose that the speech application-programming interface further comprises an application for learning speech dialects and different pronunciations of audibly transmitted information (*col. 27, line 20 to col. 28, line 3, grammars are dynamically loaded*).

20. Regarding claim 16, Bennett et al. further disclose that the user interface is a graphical user interface having a viewable display for displaying the received matching data (*col. 11, lines 1-6*).

21. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US 6633846) in view of Kirk et al. (US 5390238), and further in view of Kanevsky et al. (US 5953700).

22. Regarding claims 10 and 12, the modified Bennett et al. fail to disclose that the server application further comprises an encryption mechanism for encrypting the first data stream, thereby enabling to provide for private and secure stream transmission to the connected client-server and a decryption mechanism using for decrypting received data stream. However, Kanevsky et al. teach that the server application further comprises an encryption mechanism for encrypting the first data stream, thereby enabling to provide for private and secure stream transmission to the connected client-server and a decryption mechanism using for decrypting received data stream (*col. 5, lines 13-33, encryption/decryption are well-known in communication systems*).

Since the modified Bennett et al. and Kanevsky et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Bennett et al. by incorporating the teaching of Kanevsky et al. in order to secure voice and data communications.

23. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US 6633846) in view of Kanevsky et al. (US 5953700).

24. Regarding claims 24 and 26, Bennett et al. fail to disclose that the server application further comprises an encryption mechanism for encrypting the first data stream, thereby enabling to provide for private and secure stream transmission to the connected client-server and a decryption mechanism using for decrypting received data stream. However, Kanevsky et al. teach that the server application further comprises an encryption mechanism for encrypting the first data stream, thereby enabling to provide for private and secure stream transmission to the connected client-server and a decryption mechanism using for decrypting received data stream (*col. 5, lines 13-33, encryption/decryption are well-known in communication systems*).

Since Bennett et al. and Kanevsky et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Kanevsky et al. in order to secure voice and data communications.

25. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US 6633846) in view of Cidon et al. (US 6269330).

26. Regarding claim 28, Bennett et al. further disclose an indicating application capable of indicating the end of a voice transmission recording (*col. 26, lines 49-64*), but fail to disclose an indicating application capable of indicating the beginning of a voice

transmission recording. However, Cidon et al. teaches an indicating application capable of indicating the beginning of a voice transmission recording (*col. 14, lines 6-8*).

Since Bennett et al. and Cidon et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Cidon et al. in order to improve processing accuracy of input command to enhance system's reliabilities.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wallace et al. (US 6564121) disclose a system and method for drug dispensing that is considered pertinent to the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huyen X. Vo

March 9, 2005


SUSAN MCFADDEN
PRIMARY EXAMINER